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Aboriginal Disability Justice Campaign

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Aboriginal Disability Justice Campaign



Background

Across Australia, particularly in remote regions, many Indigenous persons suffer from cognitive impairment.

Foetal Alcohol Related brain damage is believed to be the predominant cause. It is expected to increase dramatically in coming years. Most of those affected do not receive proper support and care and are left throughout childhood in situations of neglect and abuse.

Inevitably they develop risk behaviours which channel them into the criminal justice system.

A Distortion Of Justice

Undeserved and ineffective, the imprisonment of cognitively disabled Aboriginal people is an inhumane outcome

Legislative pathways intended to direct mentally impaired offenders into proper care have instead led to indefinite terms of unwarranted imprisonment.

Exposing the distorted use of prison-based supervision orders for cognitively disabled Indigenous persons, is the central concern of the Aboriginal Disability Justice Campaign.

The Criminal Justice System And Mentally Impaired Offenders

- Mentally impaired offenders lack understanding of the Criminal Justice System - concepts of punishment, deterrence and rehabilitation are inaccessible
- Legislatures recognise the need for alternate pathways to protect mentally impaired individuals

Intent Of Alternative Pathways In The Criminal Justice System

- Apprehension/referral
- Mental health legislation response
- Mental impairment assessments
- Provision of appropriate services

Reality Of Alternative Pathways In The Criminal Justice System



Marlin Noble (Case Study)

- A young male from WA with permanent brain damage wanted to contest sexual offence allegations
- Remanded in prison for 2 years until non-fitness to plead was determined
- Mentally Impaired Accused Board placed him in prison-based supervision for 8 more years!
- Transitioned to home-based support following media interest
- Unclear as to why he needed prison based supervision

Needed Health And Welfare Reforms



Needed Legal Reforms

- Changes to sentencing legislation
- Review disability service legislation
- Independent standing - Office of the Public Guardian/Advocate
- Changes to correctional services legislation